

City of Hampton, VA

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov



Council Agenda

Wednesday, January 08, 2014

7:00 PM

Council Chambers, 8th Floor, City Hall

City Council

***Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris
Snead, Christopher G. Stuart, Donnie R. Tuck,
George E. Wallace, Mayor***

Staff:

Mary Bunting, City Manager

Cynthia Hudson, City Attorney

Katherine K. Glass, CMC, Clerk of Council

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WELCOME TO THE HAMPTON CITY COUNCIL MEETING

Because of the large number of matters that need consideration, the City Council has established a meeting format and certain guidelines for citizen participation. These help ensure that everyone who wishes to speak can do so, and that the Council can benefit from hearing as many different people as possible in the shortest time. From time to time, It may be in the public's interest to change the format and guidelines, and the Council can do so at its discretion without prior notice.

THE ORDER OF BUSINESS

The Council generally conducts meetings in the following order:

- (1) Call to Order
- (2) Ceremonial Matters
- (3) Consent Agenda
- (4) Regular Business Agenda
- (5) Miscellaneous New Business
- (6) Adjournment

Agenda items are taken up one at a time in the order in which they are listed. Matters on the consent agenda are routine and are adopted by one motion without separate discussion. However, items can be moved from the consent agenda to the regular agenda upon request by a citizen or a member of the Council. Keep in mind that the agenda is for the convenience of the public and the Council, and that it can be altered by the Council at any time without prior notice when the Council considers it in the public's interest to do so.

CITIZENS ARE INVITED TO PARTICIPATE

The City Council has adopted a three (3) minute time limit policy for individuals desiring to address issues before this body. If you wish to address the City Council, please sign in before the meeting on the sign-up sheet located in the rear of Council Chambers. Please include your name and the subject on which you wish to speak, including the docket number if it is an item on the agenda. If you wish to address Council on a non-agenda item, the permission of Council is necessary.

If you are with a group of people, you may want to have a spokesman or two present your position to the Council and have others in agreement recognized by standing. The Council will always try to hear everyone who wishes to speak on a subject, but sometimes discussion has to be limited due to time. If the previous speaker has stated your position, you may make that known by reference (for example, "I agree with the position stated by Mr. Jones and have nothing further to add"). Repetition of positions by more than one speaker often uses more time than necessary.

Speakers are generally limited to one appearance, although Council can allow exceptions at its discretion. If possible, you should speak from prepared remarks to the subject under discussion. Irrelevant comments use others' time and your own and detract from your statements on the matter being considered.

Meetings of the Council are formal proceedings, and all comments are recorded on tape and by stenographer. For that reason, you are requested not to speak from your seat or out of turn. When you are called by the presiding officer, please follow these steps:

- (1) Come forward to the speaker's podium.
- (2) State your name and address
- (3) State your conclusion and give facts and other data to back it up.
- (4) If you represent a group or organization, ask the others to rise and be recognized.
- (5) If you have a written statement, give it and other supportive material to the Clerk for the record.

The above guidelines are intended to encourage the greatest possible participation by citizens at Council meetings. They can be modified at any time by the Council at its discretion and without prior notice.

Thank you for taking your time to participate in the Council meeting. Good government depends on the interest and involvement of you and your fellow citizens. We invite you to return.

CALL TO ORDER/ROLL CALL

INVOCATION - Councilman Moffett

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

CONSENT AGENDA

Consent Items

1. **14-0001** Approval of the minutes from the special Council meeting of November 13, 2013.
2. **14-0004** Resolution Authorizing an Advance of \$1,500,000 from the City's General Fund Unassigned Fund Balance to Fund the Transportation Initiatives Project. These Funds will be Returned to the General Fund Unassigned Fund Balance from the Proceeds of the City's General Obligation Bonds when Issued.
3. **14-0005** Ordinance Approving the Vacation of the 30-Foot Right of Way, 3,250 Square Feet, More or Less, Located at the Southern End of Resort Boulevard
4. **14-0006** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the 2013 Emergency Management Performance Grant through the Virginia Department of Emergency Management
5. **14-0008** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Commonwealth of Virginia, Department of Environmental Quality, Local Stormwater Program Phase II Grant
6. **14-0051** Resolution Amending the Composition of the Membership of the Animal Control Advisory Committee to Make Designated Staff Members Non-Voting and Substituting Therefore Voting Citizen Members
7. **14-0053** Ordinance To Amend And Reenact Chapter 5 "Animals", Section 5-80 "Tethering" To Exempt Facilities, Entities and Activities Licensed By the U.S. Department Of Agriculture

PRESENTATIONS, PROCLAMATIONS, AWARDS

8. **14-0047** Presentation of the Government Finance Officers Association's Distinguished Budget Presentation Award
9. **14-0048** Presentation of the Digital Cities Award

PUBLIC HEARINGS**Rezoning and Use Permits**

10. **14-0009** Rezoning Application No. 1309-2013: by Area Development Group, Inc, the Trustees of Gloria Dei Lutheran Church, and the City of Hampton to rezone 2.488± acres to include a portion of 5 Harris Creek Road [LRSN 8003578], a portion of Fox Hill Road parallel to the east side of Willow Oaks Blvd. [LRSN 8003574] and 301 Fox Hill Road [LRSN 11000627] from One-Family Residence (R-11) District and Neighborhood Commercial (C-1) District, with conditions, to Neighborhood Commercial (C-1) District, with conditions, for the purpose of developing a Rite Aid Pharmacy. The existing use of the site is a private school.
11. **14-0010** Rezoning No. 1314-2013: by the Trustees of Gloria Dei Lutheran Church and the City of Hampton for development of a private school and daycare at a portion of 5 Harris Creek Road [LRSN 8003578], a portion of a parcel parallel to the east side of Willow Oaks Boulevard [LRSN 8003574], 21 Harris Creek Road [LRSN 8003587], a portion of Harris Creek Road [LRSN 13002446], and Harris Creek Road [LRSN 8003606]. The property is zoned Neighborhood Commercial (C-1) District, with conditions, and One-Family Residence (R-11) District.
12. **14-0011** Use Permit No. 1084-2013: by the Trustees of Gloria Dei Lutheran Church and the City of Hampton for a private school at a portion of 5 Harris Creek Road [LRSN 8003578], a portion of Fox Hill Road parallel to the west side of Willow Oaks Boulevard [LRSN 8003574], 21 Harris Creek Road [LRSN 8003587], a portion of Harris Creek Road [LRSN 13002446], and Harris Creek Road [LRSN 8003606]. The property is zoned Neighborhood Commercial (C-1) District, with conditions, and One-Family Residence (R-11) District, which permits private schools subject to the approval of a Use Permit. This application accompanies a rezoning application (RZ #1314-2013) to rezone the property listed above from R-11 and C-1 to R-11 with conditions. The existing use of the site is a private school, vacant land, and a borrow pit.

- 13. 14-0012** Use Permit No. 1092-2013: by the Trustees of Gloria Dei Lutheran Church and the City of Hampton for a daycare at a portion of 5 Harris Creek Road [LRSN 8003578], a portion of Fox Hill Road parallel to the west side of Willow Oaks Boulevard [LRSN 8003574], 21 Harris Creek Road [LRSN 8003587], a portion of Harris Creek Road [LRSN 13002446], and Harris Creek Road [LRSN 8003606]. The property is zoned Neighborhood Commercial (C-1) District, with conditions, and One-Family Residence (R-11) District, which permits daycare 3 subject to the approval of a Use Permit. This application accompanies a rezoning application (RZ #1314-2013) to rezone the property listed above from R-11 and C-1 to R-11 with conditions. The existing use of the site is a private school.
- 14. 14-0007** Ordinance Approving the Vacation of a Portion of Right of Way Known as Harris Creek Road, Which is Located Between 5 Harris Creek Road and 301 Fox Hill Road, Comprising 9,845 Square Feet (0.226 acres), More or Less

Ordinances

- 15. 14-0038** Ordinance to Amend and Reenact Article I of Chapter 18.1 Entitled "General Sign Regulations," of the Zoning Ordinance of The City of Hampton, Virginia, By Amending Sections 18.1-4(3) and 18.1-12(11) Pertaining to Yard Sale Signs, As No Signs Will Be Distributed With a Yard Sale Permit Beginning January 2014.

Zoning Use Table Amendments

- 16. 14-0013** Ordinance to amend and re-enact Chapter 1 of the Zoning Ordinance of the City of Hampton, Virginia entitled "Zones and General Provisions" by deleting sections 1-21, 1-23, and 1-27 which are being relocated to the new Chapter 2 - Uses Permitted.
- 17. 14-0014** Ordinance to amend, rename and re-enact Chapter 2 of the Zoning Ordinance of the City of Hampton, Virginia entitled "Reserved" by adding sections 2-1 through 2-4 and renaming the chapter "Uses Permitted".
- 18. 14-0015** Ordinance to amend and re-enact Chapter 3 of the Zoning Ordinance of the City of Hampton, Virginia entitled "R-R District—Residential Rural District" by amending section 3-1 - Uses Permitted.
- 19. 14-0016** Ordinance to amend and re-enact Chapter 3.1 of the Zoning Ordinance of the City of Hampton, Virginia entitled "R-33 District—One Family Residence District" by amending section 3.1-2 - Uses permitted.

- 20. 14-0017** Ordinance to amend and re-enact Chapter 3.2 of the Zoning Ordinance of the City of Hampton, Virginia entitled "R-22 District—One Family Residence District" by amending section 3.2-2 - Uses permitted.
- 21. 14-0018** Ordinance to amend and re-enact Chapter 3.3 of the Zoning Ordinance of the City of Hampton, Virginia entitled "R-43 District—One Family Residence District" by amending section 3.3-2 - Uses permitted.
- 22. 14-0019** Ordinance to amend and re-enact Chapter 3.4 of the Zoning Ordinance of the City of Hampton, Virginia entitled "R-LL District—One Family Residence District" by amending section 3.4-2 - Uses permitted.
- 23. 14-0020** Ordinance to amend and re-enact Chapter 4 of the Zoning Ordinance of the City of Hampton, Virginia entitled "R-15 District—One Family Residence District" by amending section 4-1 - Uses permitted.
- 24. 14-0021** Ordinance to amend and re-enact Chapter 5 of the Zoning Ordinance of the City of Hampton, Virginia entitled "R-13 District—One Family Residence District" by amending section 5-1 - Uses permitted.
- 25. 14-0022** Ordinance to amend and re-enact Chapter 6 of the Zoning Ordinance of the City of Hampton, Virginia entitled "R-11 District—One Family Residence District" by amending section 6-1 - Uses permitted.
- 26. 14-0023** Ordinance to amend and re-enact Chapter 7 of the Zoning Ordinance of the City of Hampton, Virginia entitled "R-9 District—One Family Residence District" by amending section 7-1 - Uses permitted.
- 27. 14-0024** Ordinance to amend and re-enact Chapter 7.1 of the Zoning Ordinance of the City of Hampton, Virginia entitled "R-4 District—One Family Residence District" by amending section 7.1-2 - Uses permitted.
- 28. 14-0025** Ordinance to amend and re-enact Chapter 8 of the Zoning Ordinance of the City of Hampton, Virginia entitled "R-8 District—Two Family Residence District" by amending section 8-1 - Uses permitted.
- 29. 14-0026** Ordinance to amend and re-enact Chapter 9 of the Zoning Ordinance of the City of Hampton, Virginia entitled "R-9 District—Multiple Residence District" by amending section 9-1 - Uses permitted.

- 30. 14-0027** Ordinance to amend and re-enact Chapter 10 of the Zoning Ordinance of the City of Hampton, Virginia entitled "MD Districts—Multiple Dwelling Districts" by amending section 10-2 - Uses permitted; MD-T District, section 10-13 - Uses permitted; MD-2 District, section 10-24 - Uses permitted; MD-3 District, and section 10-35 - Uses permitted; MD-4 District.
- 31. 14-0028** Ordinance to amend and re-enact Chapter 10.1 of the Zoning Ordinance of the City of Hampton, Virginia entitled "RT District—Residential Transition District" by amending section 10.1-2 - Uses permitted; section 10.1-3 - Limitations on permitted uses; section 10.1-5 - Building size; section 10.1-6 - Lot width; section 10.1-8 - Accessory structures; and section 10.1-9 - Development standards.
- 32. 14-0029** Ordinance to amend and re-enact Chapter 11 of the Zoning Ordinance of the City of Hampton, Virginia entitled "C-1 District—Neighborhood Commercial District" by amending section 11-1 - Uses permitted; section 11-2 - Limitations on permitted uses; section 11-4 - Building setback regulations; and section 11-5 - Lot area per family.
- 33. 14-0030** Ordinance to amend and re-enact Chapter 12 of the Zoning Ordinance of the City of Hampton, Virginia entitled "C-2 District—Limited Commercial District" by amending section 12-1 - Uses permitted; section 12-2 - Limitations on permitted uses; section 12-4 - Building setback regulations; and section 12-5 - Lot area per family.
- 34. 14-0031** Ordinance to amend and re-enact Chapter 13 of the Zoning Ordinance of the City of Hampton, Virginia entitled "C-3 District—General Commercial District" by amending section 13-1 - Uses permitted.
- 35. 14-0032** Ordinance to amend and re-enact Chapter 14 of the Zoning Ordinance of the City of Hampton, Virginia entitled "M-1 District—Limited Manufacturing District" by amending section 14-2 - Uses permitted; section 14-3 - Limitations on permitted uses; section 14-4 – Reserved; and section 14-6 – Off-street parking and loading.
- 36. 14-0033** Ordinance to amend and re-enact Chapter 15 of the Zoning Ordinance of the City of Hampton, Virginia entitled "M-2 District—Light Manufacturing District" by amending section 15-1 - Uses permitted.
- 37. 14-0034** Ordinance to amend and re-enact Chapter 16 of the Zoning Ordinance of the City of Hampton, Virginia entitled "M-3 District—Heavy Manufacturing District" by amending section 16-1 - Uses permitted.

38. **14-0035** Ordinance to amend and re-enact Chapter 17.1 of the Zoning Ordinance of the City of Hampton, Virginia entitled "M-4 District—Langley Flight Approach—Land Intensive Manufacturing District" by amending section 17.1-3 - Permitted uses; and section 17.1-4 - Limitations on permitted uses.
39. **14-0036** Ordinance to amend and re-enact Chapter 17.2 of the Zoning Ordinance of the City of Hampton, Virginia entitled "M-5 District—Langley Flight Approach—Mixed Use District" by amending section 17.2-3 - Permitted uses; and section 17.2-4 - Limitations on permitted uses.
40. **14-0037** Ordinance to amend and re-enact Chapter 17.3 of the Zoning Ordinance of the City of Hampton, Virginia entitled "Special Public Interest (SPI) Districts" by amending article iv – PL—Public Land District, section 17.3-27 – Permitted uses; article vi – SPI-HRC—Hampton Roads Center District, section 17.3-40 – Principal uses, section 17.3-41 – Accessory uses, section 17.3-42 – Limitations on permitted uses, and section 17.3-43 – Reserved; article vii – SPI-MVC—Magruder Visual Corridor, section 17.3-46 – Boundaries; article xi – SPI-OH—Old Hampton District, section 17.3-70 – Permitted uses; article xiii – SPI-HRCNC—Hampton Roads Center North Campus, section 17.3-94 – Permitted uses, section 17.3-95 – Limitations on permitted uses, and section 17.3-100 - Parking; article xiv – SPI-HRCW—Hampton Roads Center West, section 17.3-103 – Permitted uses; and article xvii – SPI-BBD—Buckroe Bayfront District, section 17.3-135 – Permitted uses.

GENERAL ITEMS

Resolutions

41. **14-0039** Resolution authorizing (a) the consolidation of the Neighborhood Retail Revitalization Program and the Downtown Hampton and Phoebus Loan Assistance Program with the Economic Development Authority's Revolving Loan Funds and (b) a Budget transfer of the remaining funds in the aforesaid programs to the Economic Development Authority's Revolving Loan Fund
42. **14-0040** Resolution Authorizing the Hampton Economic Development Authority to Enter into a Shell Building Agreement with Craig Davis Properties, Inc. in Hampton Roads Center North Campus
43. **14-0042** Resolution Authorizing the Disposal of Certain Surplus City Vehicles by Negotiated Trade-in for Replacement Vehicles

Appointments

44. **13-0386** to consider appointments to the Citizens' Engagement Advisory Commission (CEAC) formerly known as the Ad Hoc Leadership Group

- 45. **13-0433** to consider an appointment to the Virginia Alcohol Safety Action Program (VASAP)
- 46. **13-0472** to consider appointments to the Animal Control Advisory Committee
- 47. **14-0041** to consider an appointment to the Wetlands Board
- 48. **14-0045** to consider appointments to the Peninsula Town Center Community Development Authority
- 49. **14-0052** to consider an appointment to the Thomas Nelson Community College Board of Trustees

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

MISCELLANEOUS NEW BUSINESS

ADJOURNMENT

Contact Info:

Clerk of Council, 757-727-6315, council@hampton.gov